




Honorable Mike K. Nakagawa  
United States Bankruptcy Judge

Entered on Docket  
May 09, 2012

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

NEVADA CANCER INSTITUTE, a Nevada  
nonprofit corporation,<sup>1</sup>

Debtor.

Case No. 2:11-bk-28676 (MKN)

Chapter 11

**ORDER APPROVING STIPULATION  
RESOLVING OBJECTION TO  
ADMINISTRATIVE EXPENSE ASSERTED IN  
CLASS PROOF OF CLAIM FILED BY  
SHAMINE POYNOR (CLASS NO. 148)**

Hearing Date: May 2, 2012  
Hearing Time: 11:00 a.m.

<sup>1</sup> The Debtor's address and last four digits of its Federal Tax I.D. are: 10530 Discovery Drive, Las Vegas, NV 89135 [EIN XX-XXX2553].

1       On May 2, 2012, the Court held a hearing on the *Debtor's Objection to Administrative*  
 2 *Expense Asserted in Class Proof of Claim Filed By Shamine Poynor [Claim No. 148]* (the  
 3 "Objection")<sup>1</sup> [Docket No. 468] filed by Nevada Cancer Institute, a Nevada nonprofit corporation,  
 4 debtor and debtor in possession in the above-captioned chapter 11 case (the "Debtor").  
 5 Appearances were as noted on the record of the hearing.

6       By the Objection, the Debtor objected to, and moved this Court for entry of an order  
 7 disallowing the administrative expense asserted by Shamine Poynor for attorneys' fees, costs and  
 8 disbursements in connection with the claims she has asserted on behalf of a certain class of  
 9 individuals (the "WARN Class"). Ms. Poynor's class proof of claim was assigned claim number  
 10 148 by the Court-appointed claims agent. ("Claim No. 148").

11       On April 25, 2012, the Debtor filed and served the *Stipulation Resolving Objection To*  
 12 *Administrative Expense Asserted In Class Proof Of Claim Filed By Shamine Poynor (Class No.*  
 13 *148)* (the "Stipulation") [See Docket Nos. 535-1 and 539], by which the parties resolved the  
 14 Objection.

15       After considering the Objection, the Stipulation, all other pleadings and declarations filed  
 16 in support thereof, and the record in this case, the Court finds that: (1) the relief to which the  
 17 parties have stipulated in the Stipulation is in the best interests of the estate; (2) notice of the  
 18 Objection and of the Stipulation was adequate and appropriate under the particular circumstances  
 19 and no other notice need be given; and (3) other good and sufficient cause exists for granting the  
 20 relief agreed to in the Stipulation.

21       **THEREFORE, IT IS HEREBY ORDERED THAT:**

22       1. The Stipulation is APPROVED.

23       2. Without limiting the foregoing in any way, the WARN Class shall have an allowed  
 24 administrative expense in this case under Bankruptcy Code section 503(b)(1) in the amount of  
 25 \$3,000. This administrative expense shall constitute the only allowed administrative expense of  
 26

27       1 Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in  
 28 the Objection.

1 Ms. Poynor and the WARN Class in this case, and all other administrative expenses that have  
2 been or may be asserted by Ms. Poynor and the WARN Class are hereby disallowed.

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5 Submitted by:

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/s/ Martin R. Barash (*Admitted Pro Hac Vice*)

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1 LOCAL RULE 9021 CERTIFICATION  
2

3 In accordance with LR 9021, counsel submitting this document certifies that the order accurately  
reflects the court's ruling and that (check one):

4 X

This Court has waived the requirement set forth in LR 9021(b)(1).

5 \_\_\_\_\_

No party appeared at the hearing or filed an objection to the motion.

6 \_\_\_\_\_

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.

7 \_\_\_\_\_

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

8 U.S. Trustee: \_\_\_\_\_

- 9  approved the form of this order  disapproved the form of this order  
10  waived the right to review the order  failed to respond to the document

11 Other Party: \_\_\_\_\_

- 12  approved the form of this order  disapproved the form of this order  
13  waived the right to review the order  failed to respond to the document

14 Submitted by:

15 KLEE, TUCHIN, BOGDANOFF & STERN LLP

16 By:/s/ Martin R. Barash (Admitted Pro Hac Vice)

17 Reorganization Counsel  
18 for the Debtor and Debtor in Possession

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